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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,613	01/28/2004	Niel Robertson	NEWM-001/01US	3415
22903 7590 03/15/2007 COOLEY GODWARD KRONISH LLP ATTN: PATENT GROUP Suite 500 1200 - 19th Street, NW WASHINGTON, DC 20036-2402			EXAMINER VU, TUAN A	
			ART UNIT 2193	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			03/15/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/766,613

**Applicant(s)**

ROBERTSON ET AL.

**Examiner**

Tuan A. Vu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the application filed 1/28/04.

Claims 1-19 have been submitted for examination.

#### *Claim Objections*

2. Claims 1, 15, 18, 19 are objected to because of the following informalities: the language referred to as 'generating an indication of the identified user-interface objects' appears improper a language usage, and vague with respect to scanning the disclosure. According to which, there is no explicit generation of any indication as a result of identifying changes, particularly in the context of identifying user-interface objects. The only related notion of indicating about changes seems to come from flagging of some scripts, i.e. not indication of any UI objects. If flagging a plurality of files is to be equated to 'indicating of' UI objects, there appears to be a far-fetched intended connotation (generating indication of UI objects versus flagging of files), absent a definition in the specifications regarding this 'generating an indication' step. Besides, the phrase 'indication of the identified user-interface objects' is hard to (grammatically/semantically) parse in terms of simple meaning; and this *indication* as broadly interpreted (Note: any manifestation of an identified change reads on generating an indication, for the sake of examining the merits of the claims) can be treated as being non-tangible and internal to a low-level machine language, hence a non-practical result being generated. The claimed limitation if not corrected can be and will be addressed as a USC §112 lack of description, hence a §101 statutory deficiency.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11, 15, 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bischof et al., USPubN: 20040041827 (hereinafter Bischof).

**As per claim 1**, Bischof discloses a method for managing testing scripts used to test an application, the method comprising:

selecting test scripts (e.g. Scripting Engine 250 – Fig. 2; para 0035-0038, pg. 4-5 – Note: scripting engine per client to instantiate plurality of scripting processes reads on selection of test script per one user), wherein each test script corresponds to auxiliary data items (Fig. 4);

storing data that associates the selected test scripts with their corresponding auxiliary data items (meta data 262 Fig. 2; Generate abstract representation 450 – Fig. 4; para 0037, pg. 5; para 0043,-0044, pg. 5-6; listing 3 -pg. 7-12);

receiving an indication that one of the auxiliary data items has been altered (para 0039-0040, pg. 5);

searching the stored data (e.g. para 0039, pg. 5) to identify the test scripts (each scripting process 325, 350 detect changes - para 0039-0040, pg. 5) that correspond with the altered one of the auxiliary data items; and

generating an indication of the identified test scripts (e.g. para 0040, pg. 5;  
*UserChangeState* - Fig. 5 – Note: any manifestation of a change reads on generating an indication).

**As per claims 2-3**, Bischof discloses recording a user's interaction with the application, thereby generating a test script (detect user actions 440 – Fig. 4; Fig. 5-6); recording default values relied upon by the application during a user's interaction with the application, wherein the default values (e.g. *elementFormdefault* = “qualified” ....*use*= “required” *default* = “true” – Listing 3, pg. 7) are included with the test script(e.g. *A command interface ... assign ... default values ... test scripts* - para 0046, pg. 13).

**As per claim 4**, Bischof discloses recording auxiliary data (para 0046 – pg. 12-13) corresponding to a user's interaction with the application.

**As per claim 5**, Bischof discloses XML to represent auxiliary data in a network base paradigm involving front end, middleware and back end components (see para 0058-0059, pg. 14; Fig. 2; para 0030, pg. 3) wherein script-generating application is Browser/GUI-based and utilizes metadata stored in a database serving a support reusable knowledge for further application build (para 0027-0028, pg. 3; *previously generated abstract representation* - para 0038, pg. 5); i.e. database for storing reusable GUI objects for a multi-platform network-based replay tool (para 0015, pg. 2; Fig. 3), the GUI object abstracted into markup elements needed to support the different versions of script and creation thereof in multi-platforms(see *database, file system* - para 0059-0060, pg. 14), hence has disclosed file system or database query to retrieve the recorded auxiliary data (see XML format of pg. 6-10 in file system of para 0059-0060) for reuse in each script build.

**As per claim 6**, Bischof discloses recording the auxiliary data comprises querying a auxiliary data file (e.g. *file system* – para 0060, pg 14) that includes the auxiliary data.

**As per claim 7**, Bischof discloses calling an API that can return the auxiliary data (refer to the database query of claim 5, i.e. a query to a database or a file system reads on the presence of a API to effect such remote/interface call from where the replay tool application – see Fig 3 -- is located with respect to a database or file system layer – see *transmitted ... application program 300* - para 0036, pg. 4).

**As per claim 8**, Bischof discloses storing a database and querying of support GUI objects stored as XML representation as recorded the auxiliary data ( re claim 5), Web-based network, use of middleware, using remote call to a service (see *middleware* -para 0058-0059, pg. 14; Fig. 2; para 0030, pg. 3; para; *requests ... server* – para 0032, pg. 4) to obtain remote data storage; hence has disclosed querying a Web service that can return the auxiliary data.

**As per claim 9**, Bischof discloses tagging user interface objects (pg. 7-10 – Note: Gui objects being defined and formatted in a XML reads on tagging GUI objects) that the user interacts with when operating the application (see Fig. 2-3) and mapping the tagged elements (e.g. validation of typed parameters – see para 0015, pg. 2; para 0038-0039, pg. 5; *Tag determining ... be considered on replaying* – Listing 3, top, pg. 7) with their corresponding auxiliary data items.

**As per claims 10-11**, Bischof discloses storing a record of each auxiliary data item and the test script with which it is associated (; *previously generated abstract representation* - para 0038, pg. 5; XML format of pg. 6-10 in file system of para 0059-0060, pg. 14; version script –

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para 0026-0028, pg. 3); storing a record of each test script and the corresponding auxiliary data items (e.g. para 0059-0060, pg. 14; *stores ... scripts for later use* - para 0033, pg. 4).

**As per claim 15**, Bischof discloses a method for managing testing scripts used to test an application, the method comprising:

selecting user-interface objects, wherein each user-interface object corresponds to auxiliary data items;

storing data that associates the selected user-interface objects with their corresponding auxiliary data items;

receiving an indication that one of the auxiliary data items has been altered; searching the stored data to identify user-interface objects that correspond with the altered one of the auxiliary data items; and

generating an indication of the identified user-interface objects;

all of which limitations having been addressed in claim 1, respectively.

**As per claim 18**, Bischof discloses a system for managing testing scripts used to test an application, the system comprising a processor; a memory device; a plurality of instructions stored on the memory device, the instruction configured to cause the processor to:

select test scripts, wherein each test script corresponding to auxiliary data items;

store data that associates the selected test scripts with their corresponding auxiliary data items; process an indication that one of the auxiliary data items has been altered;

search the stored data to identify the test scripts that correspond with the altered one of the auxiliary data items; and

generate an indication of the identified test scripts; all of which limitations having been addressed in claim 1, respectively.

**As per claim 19**, Bischof discloses a system for managing testing scripts used to test an application, the system comprising: means for *selecting* user-interface objects, wherein each user-interface object corresponds to auxiliary data items; means for *storing* data that associates the selected user-interface objects with their corresponding auxiliary data items; means for *receiving* an indication that one of the auxiliary data items has been altered; means for *searching* the stored data to identify user-interface objects that correspond with the altered one of the auxiliary data items; and means for *generating* an indication of the identified user-interface objects (Refer to claim 1 for corresponding rejection for the steps of *selecting*, *storing*, *receiving*, *searching*, and *generating*)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bischof et al., USPubN: 20040041827.

**As per claims 12-14**, Bischof does not explicitly disclose prompting a user to generate a new test script to test the altered one of the auxiliary data items, to alter a test script to test the altered one of the auxiliary data items, and to remove a test script if the objects it tests have been deleted from the auxiliary data items. However, Bischof teaches a GUI tool enabling the user to



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identify changes to a collection of actions previously recorded ( see para 0039, pg. 5) and providing means for user to input commands or implementing alterations to the script ( see para 0040-0041, pg. 5; Fig. 2), i.e. accommodating to state changes against the auxiliary data. Based on a GUI where user inputs dictate control to the changes (see para 0054 pg. 14; para 0014, pg. 2) made to the script based on state changes as above mentioned, it would have been obvious for one skill in the art at the time the invention was made to provide Bischof's replay tool with a visual prompt or a GUI pop-up ( see Bischof: *If available ... displayed message* - pg. 11, bottom Listing 3) enabling the user to effect changes to the script according to changes detected to the auxiliary data, e.g. recreate a script via a session object, modify a script for retest, or to discard an non-reusable script, so that newest, fault-free reusable script can be kept on record so to provide proper support for subsequent reuse as contemplated by Bischof (para 0059-0060, pg. 14; *stores ... scripts for later use* - para 0033, pg. 4; *updated ... new test script* – para 0025-0026, pg. 3; para 0015, pg. 2 )

As per claims 16-17, for the prompting limitation, refer to the rationale of claims 12-13, respectively (Note: create a session new object to enable a retest is analogous as using this new instance of session to enable a new test script be created).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

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The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan A Vu  
Patent Examiner,  
Art Unit 2193  
March 13, 2007